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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,667	07/15/2003	Fabrice Le Leannee	01807.002379	5897
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EXAMINER				
DAILEY, THOMAS J				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/618,667

**Applicant(s)**

LE LEANNEC ET AL.

**Examiner**

THOMAS J. DAILEY

**Art Unit**

2152

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 39-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. Claims 37-38 were cancelled by the amendment filed on November 30, 2007.
2. Claims 1-36 and 39-44 are pending.

***Response to Arguments***

3. The specification submitted November 30, 2007 has been entered.
4. Applicant's submitted amendment and arguments have overcome the U.S.C. 101 and 112 rejections directed at claims 1-38 in the previous action, and those rejections have been withdrawn. However, the amendments have necessitated additional 112 second paragraph rejections presented below.
5. The applicant additionally indicated that claims 39-44 are dependent claims. The claims, however, are acceptable only if they are interpreted as independent claims and if the applicant intends to further prosecute claims 39-44 additional fees are due, as this would give the instant application 10 independent claims, and the applicants have only filed appropriate fees for 4 independent claims. See MPEP 714.10 and 37 CFR 1.16(h).
6. Applicant's arguments with respect to the prior art rejections have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-11, 23-28, 39, 41, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claim 1 recites, "a request" (lines 1 and 5) and further recites, "the request" (line 8). It is unclear which request "the request" refers to. Claim 23 is rejected by a similar rationale.
10. Claims 2-11, 24-28, 39, 41, and 43 are rejected due to their dependence on either claim 1 or claim 23.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-36 and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US Pub. No. 2003/0018818), hereafter "Boliek" in view of what is well known in the art.
13. As to claim 1, Boliek discloses a method of processing a request coming from a first communication apparatus connected through a communication network to a remote second communication apparatus, the method being implemented in the second apparatus (Abstract), the method comprising the steps of:
- receiving a request for obtaining digital data of a compressed digital signal that comprises header data and a signal body comprising data packets ([0039] and [0033] discloses that the codestream comprises a main header and tiles that make up the signal body), and
  - processing the request including determining a position, in the body of the signal, of at least one data packet corresponding to the request ([0043], the client request specific ranges of bytes in the codestream using the starting point in memory, i.e. the position in the body of the codestream, thus when the server processes the incoming request it determines the position in the body of the signal of corresponding data packets).

However, Boliek may not explicitly disclose that the position is determined as a function of the length of the header data and of at least one pointer marker present in the header data of the signal, the at least one pointer marker providing

information for calculating the length of the part of the body preceding the data packet under consideration. Boliek does disclose the request indicates the position of the data packets in memory ([0043]), but does not disclose what the memory locations are relative to (e.g. the server or the codestream). However, one of ordinary skill in the art would with it as obvious to use either memory locations relative to the server or to the codestream as this is a common practice in the art when requesting data (i.e. requesting data based on its location relative to the memory of the sending device or its location relative to the transmitting stream of data). As Boliek has disclosed the structure of a codestream (Fig. 4 and [0057]) and the functions of header data ([0033]) and pointer markers ([0052]), simply having the request indicate the position of a data packet relative to the codestream would make that position a function of the length of the header data and of at least one pointer marker present in the header data of the signal. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use memory locations relative to the codestream in the request to simplify the retrieval procedure of requested data packets.

14. As to claim 12, Boliek discloses a method of processing compressed digital data received by a first communication apparatus connected through a communication network to a remote second communication apparatus, the method being

implemented in the first communication apparatus, (Abstract), the method comprising the steps of:

receiving at least one data packet coming from a compressed digital signal present in the second apparatus and comprising a body that comprises data packets ([0042], lines 5-12, client (first apparatus) requests an image (compressed digital signal) from a server(second apparatus));

determining a position at which the at least one data packet is to be inserted into the body of a compressed digital signal derived from the compressed digital signal present in the second apparatus and which is capable of containing all or part of the body of this compressed digital signal ([0045], data packets are received from the server and inserted to create a correct JPEG 2000 codestream), the derived signal also comprising header data ([0052], main header), the position being determined as a function of at least one pointer marker previously received and inserted into header data of the signal by the first apparatus ([0052], once main header data, which includes markers is received, positions of every data packet and therefore their insertion point are known), the at least one pointer marker providing information for calculating the length of the part of the body preceding the at least one data packet ([0052]), and

inserting into the body of the derived signal said at least one data packet at the determined position ([0045]).

However, Boliek may not explicitly disclose the position being determined as a function of the length of the header data. But, since Boliek does disclose pointer markers indicating the length and starting point of every packet in the codestream ([0052]), simply making the insertion position a function of the length of the header data is an obvious and unsubstantially modification of Boliek to one of ordinary skill in the art as the pointer markers can accomplish this alone.

15. As to claims 23, 39, 41, and 43, they are rejected by the same rationale set forth in claim 1's rejection.
16. As to claims 29, 40, 42, and 44, they are rejected by the same rationale set forth in claim 12's rejection.
17. As to claims 2 and 24, Boliek discloses the determination of the length of the part of the body of the signal preceding the data packet under consideration comprises a preliminary step of determining the order of appearance of the data packet in the body of the signal, according to parameters relating to structure and organization of the data in the signal ([0033], lines 6-11).
18. As to claim 3, 14, 25, and 31, Boliek discloses the compressed digital signal is partitioned into a number  $n$  of independently compressed regions  $t_{sub.i}$ ,  $i=1$  to  $n$  and  $n \geq 1$ , the body of the signal comprising, for each region, region header



data and a region body containing data packets of the region under consideration ([0033], tile-parts are the independently compressed regions and each tile-part has a header and body).

19. As to claims 4, 15, 26, and 32 Boliek discloses the length of the part of the body of the signal preceding the data packet under consideration is determined from:

at least one pointer marker PLT providing information for calculating the length of the data packet or packets preceding the data packet under consideration in the region where this packet is located ([0052]),

the length of the header data of the region where the packet under consideration is located and, when one or more regions precede the region where the packet under consideration is located ([0052]).

at least one pointer marker TLM providing information for calculating particular the length of the preceding region or regions ([0052]).

20. As to claims 5 and 16, Boliek discloses the pointer marker TLM providing information for calculating the length of each region t.sub.i is present in the header data ([0052] and [0060]).

21. As to claims 6 and 17, Boliek discloses the pointer marker PLT providing information for calculating the length of the data packets in a region t.sub.i is present in the header data of the region concerned ([0052]) and [0061]).

22. As to claims 7 and 27, Boliek discloses extracting and transmitting to the first communication apparatus the at least one data packet having a position that has been determined ([0043]).
23. As to claim 8, Boliek discloses the request for obtaining digital data specifies at least one data packet of the signal ([0043]).
24. As to claim 9, Boliek discloses the request for obtaining digital data specifies part of the signal ([0043]).
25. As to claim 10, Boliek discloses subsequent to the request being received, the method comprises a step of identifying the data packet or packets necessary for the reconstruction of the part of the signal specified ([0042]).
26. As to claim 11 and 28, Boliek discloses a preliminary step of forming the at least one pointer marker in the signal, when such a marker is not present in the signal ([0064]).
27. As to claim 13 and 30, Boliek discloses:
- receiving the header data coming from the original compressed digital signal present in the second apparatus, the received header data comprising at least

one pointer marker TLM providing information for calculating the length of the body of the original signal ([0033] and [0042], lines 5-12),

forming, from the received header data, the derived compressed digital signal which thus comprises, as header data, the received header data and a signal body of length equal to that of the body of the original signal ([0045]), the body of the derived signal representing a space initially filled with arbitrary data and which is intended to contain the data packet or packets received from the second apparatus ([0045]).

28. As to claims 18 and 33, Boliek discloses:

receiving region header data ([0033] and [0042], lines 5-12);;  
determining a position at which the received region header data is to be inserted into the body of the derived signal ([0033]), the position being determined according to the length of the header data of the derived signal and, when one or more regions precede the region header data concerned, according to one or more pointer markers TLM received previously and providing respectively the length of the preceding region or regions ([0052]); and  
inserting the received region header data at the determined position ([0045]).

29. As to claims 19 and 34, Boliek discloses the determination of the length of the part of the body of the derived signal preceding the data packet under consideration comprises a preliminary step of determining the order of

appearance of the data packet in the body of the signal according to parameters relating to structure and organization of the data in the signal ([0045], and [0052]).

30. As to claims 20 and 35, Boliek discloses:

extracting from the derived signal the header data and data packets received ([0042]);

forming the header data of the valid signal from the header data extracted from the derived signal ([0050]);

concatenating the data packets extracted from the derived signal in the body of the valid signal ([0045]); and

when one or more data packets present in the body of the original signal are not received by the first apparatus, concatenating respectively one or more empty packets in the body of the valid signal in the same order of appearance as that adopted in the derived signal ([0042]-[0043]).

31. As to claims 21 and 36, Boliek discloses going through the data contained in the body of the derived signal ([0042]);

converting, when the data gone through do not correspond to a data packet received from the second apparatus, the space filled by the data concerned into an empty packet ([0042]); and

shifting in an adapted manner the data comprising the remainder of the body of the derived signal ([0050]).

32. As to claim 22, Boliek discloses the data received by the first apparatus comprises the reply to a request previously transmitted from the first apparatus to the second apparatus ([0042]).

### ***Conclusion***

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./  
Examiner, Art Unit 2152

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152